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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,369	10/17/2005	Eral Foxenland	9342-91	1191

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MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
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EXAMINER
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NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/553,369

Applicant(s)

FOXENLAND, ERAL

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-16 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 6-11 and 17-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5, 12-16 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharp (WO 01/28197A1).

Regarding claim 1, Sharp discloses a method of varying the scrolling speed provided for a set of items (see page 14, line 8 to page 15, line 10) comprising the steps of: providing a set of items of information that can be scrolled by a user (see page 14, line 8 to page 15, line 10; and fig. 11), detecting a scrolling action selection for a user (see page 14, line 8 to 16; and fig. 11), detecting a scrolling speed variation selection for the user (see page 14, line 18 to page 15, line 10, (step 38), and changing the scrolling speed in dependence of the selections made by the user (see page 14, line 18 to page 15, line 10).

Regarding claim 12, Sharp discloses device for varying the scrolling speed provided for a set of items (see page 14, line 8 to page 15, line 10) comprising an information presentation unit providing a set of items of information that can be scrolled by a user (see page 14, line 8 to page 15, line 10; and fig. 11), a first user input unit for allowing a scrolling action selection by the user (see page 14, lines 18 to line 30; and fig. 11, moving the joystick up or down and holding it in the position 112), a second user input unit for allowing a scrolling speed variation selection by the user (see fig. 11, and page 15, lines 1-10; moving the joystick up or down and holding it in

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the position whilst also pressing in on the joystick 113), and a control unit arranged to: provide said set of items of information on the information presentation unit (see page 14, line 8 to page 15, line 10), detect a scrolling action selection by a user via said first user input unit, detect a scrolling speed variation selection via said second user input unit, and change the scrolling speed in dependence of the selections made by the user (see page 14, line 8 to page 15, line 10).

Regarding claims 2 and 13, Sharp also discloses wherein the step of changing is made based on simultaneous detection of scrolling action and scrolling speed variation (see page 14, line 18 to page 15, line 10).

Regarding claims 3 and 14, Sharp also discloses wherein the scrolling speed is varied with a certain step size and the scrolling speed is varied with said step size each time a scrolling speed variation selection is detected during detection of a scrolling action selection (see page 14, line 18 to page 15, line 10).

Regarding claims 4 and 15, Sharp discloses wherein the scrolling speed is varied linearly when a scrolling speed variation selection is detected during detection of a scrolling action selection (see page 14, line 18 to page 15, line 10).

Regarding claims 5 and 16, Sharp also discloses wherein the scrolling speed variation is either an increase or a decrease of the scrolling speed (see page 14, line 18 to page 15, line 10).

Regarding claims 25-27, Sharp discloses wherein the device is a portable electronic device (see abstract); wherein the device is a portable communication device (see figs. 1-2b); wherein the device is a cellular phone (see figs. 1-2b).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp (WO 01/28197A1) in view of Grohn (WO02/25903A2).

Regarding claim 23, Sharp does not mention wherein the first user input unit is provided as at least one navigation key for navigating in a menu system of the device and the second user input unit is provided as at least one button on the side of the device normally used for volume settings or vice versa; wherein the first user input unit is provided as at least one button on the side of the device normally used for volume settings and the second user input unit is provided as at least one navigation key for navigating in a menu system of the device. However, Grohn discloses the first user input unit is provided as at least one navigation key for navigating in a menu system of the device and the second user input unit is provided as at least one button on the side of the device normally used for volume settings or vice versa (see page 2, lines 1-7 and page 7, line 14 to page 8, line 21); wherein the first user input unit is provided as at least one button on the side of the device normally used for volume settings and the second user input unit is provided as at least one navigation key for navigating in a menu system of the device (see page 2, lines 1-7 and page 7, line 14 to page 8, line 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Grohn to Sharp so that it is easy for user to control scrolling speed variation and scrolling action

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selection.

***Allowable Subject Matter***

3. Claims 6-11 and 17-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 6 and 17, Sharp does not mention wherein a first user input unit allows actuation for a first direction and for a second opposite direction, each allowing scrolling in said direction, and a second user input unit allows actuation for the first and the second opposite directions, wherein the detection of a scrolling action selection by an actuation of the first input unit for one direction together with the detection of a scrolling speed variation selection by an actuation of the second user input unit for the same direction provides a scrolling speed increase and the detection of a scrolling action selection by an actuation of the first input unit for one direction together with the detection of a scrolling speed variation selection by an actuation of the second user input unit for the opposite direction provides a scrolling speed decrease

Regarding claim 7, Sharp does not mention the step of saving a scrolling speed setting based on the changed scrolling speed, as specified in the claim.

Claims 8-11 depend on claim 7. Therefore, they are objected

Regarding claim 18, Sharp does not mention a scroll speed storage (30) and wherein the control unit is further arranged to save a scrolling speed setting in the scroll speed storage based on the changed scrolling speed, as specified in the claim.

Claims 19-22 depend on claim 7. Therefore, they are objected.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844.

The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
David Q Nguyen  
Examiner  
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